

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JAY BRODSKY and DONNA MARTIN,

Plaintiffs,

-against-

MEMORANDUM & ORDER
18-CV-3484 (JS) (AYS)

BMW GROUP FINANCIAL SERVICES,
BMW OF MANHATTAN, BMW OF NORTH
AMERICA,

Defendants.

-----X
JAY BRODSKY and DONNA MARTIN,

Plaintiffs,

-against-

18-CV-3486 (JS) (AYS)

WESTBURY FIAT/ALFA ROMEO, FIAT/ALFA
ROMEO OF NORTH AMERICA, FIAT/ALFA
ROMEO U.S. LLC, FCA ITALY SPA,
CHRYSLER CAPITAL FINANCE,

Defendants.

-----X
JAY BRODSKY, and on behalf of
others similarly situated,

Plaintiff,

-against-

18-CV-3588 (JS) (AYS)

THE SOCIAL SECURITY ADMINISTRATION,

Defendants.

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APPEARANCES

For Plaintiff: Jay Brodsky, pro se
Donna Martin, pro se
240 East Shore Road, Apt. 444
Great Neck, New York 11023

For Defendants: Ryan Lawrence Diclemente, Esq.
Colleen Fox, Esq.

Saul Ewing Arnstein & Lehr LLP
650 College Road East, Ste. 4000
Princeton, New Jersey 08540

SEYBERT, District Judge:

By Memorandum and Order dated January 10, 2019, (the "Order", D.E. 10), the Court denied the applications of pro se plaintiffs Jay Brodsky ("Brodsky") and Donna Martin ("Martin" and together, "Plaintiffs") in each of the above cases to proceed in forma pauperis without prejudice and with leave to renew upon completion of the AO 239 in forma pauperis application together with a copy of the "official BMW Financial Services Credit Application" Martin provided to BMW as is alleged in the Complaint assigned Docket Number 18-CV-3304. Alternatively, Plaintiffs were advised to remit the \$400 filing fee for each case. Plaintiffs were instructed to comply with the Order within fourteen (14) days from the date of the Order and were warned that "a failure to timely comply with this Order will lead to the dismissal of the Complaints without prejudice and judgment will enter." (See Order at 5-6.)

To date, Plaintiffs have not remitted the filing fees nor have they filed the AO 239 in forma pauperis applications in any of their cases. Nor have Plaintiffs otherwise communicated

with the Court about these cases.¹ Given Plaintiffs' failure to comply with the Order, the above-captioned cases are DISMISSED WITHOUT PREJUDICE pursuant to Federal Rule of Civil Procedure 41(b).

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is DENIED for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

The Clerk of the Court is directed to mark the cases assigned Docket Numbers 18-CV-3484, 18-CV-3486, and 18-CV-3588 CLOSED and to mail a copy of this Memorandum and Order to the pro se Plaintiffs.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: February 22, 2019
Central Islip, New York

¹ The Court notes that, on February 19, 2019, Brodsky and Martin have each submitted the AO 239 in forma pauperis application in their case assigned Docket Number 17-CV-5529 and it is sub judice.